

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BANK OF AMERICA, N.A.,

Plaintiff/Counter-Defendant,

vs.

Case No. 12-cv-11821
HON. GEORGE CARAM STEEH

RANDALL H. DENNIS, *et al.*,

Defendants/Counter-Plaintiffs.

ORDER DENYING PLAINTIFF/COUNTER-DEFENDANTS' MOTION TO
ALTER, AMEND OR OTHER RELIEF FROM THE OPINION AND ORDER
GRANTING DEFENDANT'S MOTION TO DISMISS (#26)

On March 25, 2013, the court granted plaintiff/counter-defendant Bank of America, N.A.'s ("BANA") motion to dismiss the amended counter-complaint filed by defendants/counter-plaintiffs Randall and Phyllis Dennis. Defendants/counter-plaintiffs have filed a motion for reconsideration, citing both Fed. R. Civ. P. 59(e) and 60(b)(6). Defendants/counter-plaintiffs assert that there was a defect in the loan foreclosure process, that this defect caused them prejudice, and that as a result, the foreclosure is "voidable." In support of this theory, defendants/counter-plaintiffs repeat the assorted, unsuccessful arguments asserted at the time of the motion to dismiss. For instance, they assert that prior to refinancing, they were improperly "induced" to enter into the loan, and that BANA failed to comply with applicable HUD guidelines and/or regulations. These arguments have already been rejected by the court and will not meet with any success at this point in the proceedings.

Local Rule 7.1(g)(3) of the Local Rules of the United States District Court for the Eastern District of Michigan provides:

[M]otions for rehearing or reconsideration which merely present the same issues ruled upon by the court, either expressly or by reasonable implication, shall not be granted. The movant shall not only demonstrate a palpable defect by which the court and the parties have been misled but also show that a different disposition of the case must result from a correction thereof.

E.D. Mich. L.R. 7.1(g)(3). Because defendants/counter-plaintiffs have failed to demonstrate a palpable defect by which this court has been misled, the correction of which will result in a different disposition of this case, their motion is hereby **DENIED**.

IT IS SO ORDERED.

Dated: May 6, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
May 6, 2013, by electronic and/or ordinary mail.

s/Barbara Radke
Deputy Clerk